



<b>CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)</b>			Docket No. FR-000036US	
Applicant(s): Martin J. EDWARDS et al.				
Serial No. 09/829,794	Filing Date 10 April 2001	Examiner Raymond S. DEAN	Group Art Unit 2618	
Invention: PORTABLE COMMUNICATION DEVICE WITH AN AUTOMATIC OPERATION-KEEPING SYSTEM AND METHOD OF KEEPING SUCH A DEVICE IN OPERATION				
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<b>TRANSMITTAL OF APPEAL BRIEF (Large Entity)</b>					Docket No. <b>FR-000036US</b>	
In Re Application Of: <b>Martin J. EDWARDS et al.</b>						
Application No. <b>09/829,794</b>	Filing Date <b>10 April 2001</b>	Examiner <b>Raymond S. DEAN</b>	Customer No. <b>20987</b>	Group Art Unit <b>2618</b>	Confirmation No.	
Invention: <b>PORTABLE COMMUNICATION DEVICE WITH AN AUTOMATIC OPERATION-KEEPING SYSTEM AND METHOD OF KEEPING SUCH A DEVICE IN OPERATION</b>						
<p><u>COMMISSIONER FOR PATENTS:</u></p> <p>Transmitted herewith is the Appeal Brief in this application, with respect to the Notice of Appeal filed on: <b>24 August 2006</b></p> <p>The fee for filing this Appeal Brief is:     <b>\$500.00</b></p> <p><input type="checkbox"/> A check in the amount of the fee is enclosed.</p> <p><input checked="" type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account.</p> <p><input checked="" type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. <u>50-0238</u> I have enclosed a duplicate copy of this sheet.</p> <p><input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.</p> <p><b>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</b></p>						
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<b>Kenneth D. Springer</b> Reg. No. 39,843 <b>Volentine Francos &amp; Whitt, P.L.L.C.</b> One Freedom Square 11951 Freedom Drive, Suite 1260 Reston, VA 20190 Tel. No. 571-283-0720			<div style="border: 1px solid black; padding: 5px;"> <p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" (37 CFR 1.8(a)) on</p> <p>(Date) _____</p> <p>Signature of Person Mailing Correspondence _____</p> <p>Typed or Printed Name of Person Mailing Correspondence _____</p> </div>			
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**IN THE UNITED STATES  
PATENT AND TRADEMARK OFFICE**

Appl. No. : 09/829,794  
Applicants : Nicholas REGENT  
Filed : 10 April 2001  
TC/A.U. : 2618  
Examiner : Raymond S. Dean  
Atty. Docket : FR-000036

Title: PORTABLE COMMUNICATION DEVICE WITH AN  
AUTOMATIC OPERATION-KEEPING SYSTEM  
AND METHOD OF KEEPING SUCH A DEVICE IN  
OPERATION

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**APPEAL BRIEF**

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Sir:

In response to the Office Action dated 30 May 2006, finally rejecting pending claims 1-22, and in support of the Notice of Appeal filed on 24 August 2006, Applicant hereby respectfully submits this Appeal Brief.

**REAL PARTIES IN INTEREST**

According to an assignment recorded at Reel 011974, Frame 0757, Koninklijke Philips Electronics N.V. owns all of the rights in the above-identified U.S. patent application. However, the under-signed attorney understands that Koninklijke Philips Electronics N.V. has transferred, or is in the process of transferring, certain assets to NXP, B.V., including this patent application.

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### **RELATED APPEALS AND INTERFERENCES**

There are no other appeals or interferences related to this application or to any related application, nor will the disposition of this case affect, or be affected by, any other application directly or indirectly.

### **STATUS OF CLAIMS**

Claims 1-22 all stand rejected.

Accordingly, the claims on Appeal are claims 1-22.

### **STATUS OF AMENDMENTS**

There are no pending amendments with respect to this application.

### **SUMMARY OF CLAIMED SUBJECT MATTER**

The present invention is directed to a portable communication device with an automatic operation-keeping system and a method of keeping such a device in operation.

Accordingly, the invention, as broadly recited in claim 1, is drawn to a communication device (e.g., FIG. 1 – page 5, lines 1-2) equipped with an automatic operation-keeping system. The communication device comprises: a main power source (e.g., element 14 – page 5, line 4); a processing unit (e.g., element 10 – page 5, line 3) supplied with power by the main power source (e.g., element 14 – page 5, lines 3-4); and means (e.g., element 20 – page 5, line 16, 18-20) for starting the device at a programmable start time including: a clock (e.g., element 24 – page 5, lines 18, 32-33) to produce a current time, said clock (e.g., element 24) being supplied with power from an auxiliary power source (e.g., element 22) when said main power source (e.g., element 22) is incapable of supplying power (e.g., page 5, lines 16-18), and means (e.g., element 12 – page 5, lines 6-7) for automatically and periodically updating the start time to be greater than said current time (e.g., page 6, lines 3-5), wherein said auxiliary power source (e.g., element 22) does not supply power to said updating means (e.g., element 12) when said main power source (e.g.,

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element 22) is incapable of supplying said power (e.g., page 3, lines 2-3, 8-11; page 5, lines 8-10).

As broadly recited in claim 6, the invention is drawn to a method of keeping a device in operation after a main power source is incapable of supplying power to said device. The method comprises the acts of: updating a start time to come after a current time when the communication device is in operation by an updating means (e.g., element 12 – page 5, lines 6-7) (e.g., FIG. 2, step 106 – page 6, line 33 - page 7, line 2); providing power to a clock by an auxiliary power source when main power source is incapable of supplying said power (e.g., FIG. 2, step 112 – page 5, lines 16-18; page 7, lines 6-10), wherein said auxiliary power source does not supply power to said updating means (e.g., element 12) when said main power source is incapable of supplying said power (e.g., page 3, lines 2-3, 8-11; page 5, lines 8-10); and when the main power source is incapable of supplying said power, making a new start when a current time established by said clock coincides with a previously updated start time (e.g., FIG. 2, step 116 – page 7, lines 8-10).

As broadly recited in claim 15, the invention is drawn to a method of keeping a device in operation after it has been stopped accidentally wherein, when the device is in operation, an automatic programmable start time is regularly updated to come after a current time (e.g., FIG. 2, steps 102-106 – page 6, lines 27-33), and wherein, when the device is stopped by accident, a new start is automatically made when a current time established by a clock coincides with the previously updated start time (e.g., FIG. 2, steps 112-116 – page 7, lines 6-10) and wherein, when the device is in operation, a main power source supplies power to both a first part and a second part of a processing section for the device (e.g., page 5, lines 2-3, 16-17) and, when the device is stopped by accident, the first part is not supplied power and the second part is supplied power from an auxiliary power source (e.g., page 5, lines 8-10, lines 16-18).

As broadly recited in claim 21, the invention is drawn to a device comprising: a main power source (e.g., element 14 – page 5, line 4) for supplying power; a memory (e.g., element 28 – page 6, lines 1-5) for storing an augmented time which is greater than a current time and is updated periodically using a first clock (e.g., part of

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element 12; page 5, lines 6-7, 23-24); an auxiliary power source (e.g., element 22) for supplying power to a second clock (e.g., element 24 – page 5, lines 18, 32-33) for providing said current time when said main power source (e.g., element 14) is incapable of providing power (e.g., page 5, lines 16-22); and a controller (e.g., element 16 – page 5, lines 13-15; page 6, lines 6-9) powered by said auxiliary power source (e.g., element 22), said controller (e.g., element 16) being configured to set a start time when said main power source (e.g., element 14) is incapable of providing said power (e.g., page 5, lines 18-20), wherein said auxiliary power source (e.g., element 22) does not supply power to said first clock (e.g., part of element 12) when said main power source (e.g., element 14) is incapable of supplying said power (e.g., page 3, lines 2-3, 8-11; page 5, lines 8-10).

#### **GROUND OF REJECTION TO BE REVIEWED ON APPEAL**

The grounds of rejection to be reviewed on Appeal are: (1) the rejections of claims 1-3 and 5-14 under 35 U.S.C. § 103 over Oda et al. U.S. Patent 5,551,077 ("Oda") in view of Vossler U.S. Patent 6,317,593 ("Vossler"); and (2) the rejections of claims 15 and 16 under 35 U.S.C. § 103 over Oda in view of Vossler and further in view of Sheynblat et al. U.S. Patent 6,408,296 ("Sheynblat"); (3) the rejections of claims 17 and 18 under 35 U.S.C. § 103 over Oda in view of Vossler and Sheynblat and further in view of Northcutt et al. U.S. Patent 6,311,081 ("Northcutt"); (4) the rejection of claim 4 under 35 U.S.C. § 103 over Oda in view of Vossler and further in view of Metroka et al. U.S. Patent 5,036,532 ("Metroka"); (5) the rejection of claim 19 under 35 U.S.C. § 103 over Oda in view of Vossler and Sheynblat and further in view of Metroka; (6) the rejection of claim 20 under 35 U.S.C. § 103 over Oda in view of Vossler, Sheynblat, Metroka, and further in view of Yeh U.S. Patent 5,995,814 ("Yeh"); and (7) the rejections of claims 21-22 under 35 U.S.C. § 103 over Oda in view of Vossler and further in view of Northcutt.

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**ARGUMENTS****(1) Claims 1-3 and 5-14 Are All Patentable Over Oda in view of Vossler****Claim 1**

Among other things, the device of claim 1 includes means for automatically and periodically updating the start time to be greater than the current time, wherein the auxiliary power source does not supply power to the updating means when the main power source is incapable of supplying the power.

No combination of Oda and Vossler could produce a device including such a means.

The Examiner fairly admits that Oda does not include any such means. Instead, the Examiner states that Vossler discloses such means, as ROM 153 in FIG. 1.

However, ROM 153 of FIG. 1 of Vossler cannot possibly correspond to the means for automatically and periodically updating the start time to be greater than the current time. In particular, in the device of claim 1, the auxiliary power source does **not** supply power to the updating means when the main power source is incapable of supplying the power. In direct contrast – as is clear upon a simple inspection of FIG. 1 of Vossler, auxiliary power source 120 apparently does supply power to ROM 153 when main power source 115 is incapable of supplying the power.

The Examiner cites FIG. 1 and the text at col. 3, lines 60-66 as supposedly disclosing that auxiliary power source 120 does not supply power to ROM 153 when main power source 115 is incapable of supplying the power.

This is incorrect.

Nothing in FIG. 1 even remotely suggests such a feature. Indeed, FIG. 1 very clearly shows that auxiliary power source 120 provides power to controller 150 and all of its circuits . . . including ROM 153. Furthermore, here is the cited text at col. 3, lines 60-66:

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independently to each device. Backup power 120 is, in one 60  
embodiment, a button-type battery for ensuring uninter-  
rupted power to controller 150. According to the embodi-  
ment shown, backup power 120 is connected to power  
control 151 in order to provide continuous operation of  
real-time clock 155 and to prevent loss of the contents of 65  
RAM 154. If all power sources, including back-up power

Very clearly, nothing in the cited text discloses that auxiliary power source 120 does not supply power to ROM 153 when main power source 115 is incapable of supplying the power. To the contrary, see col. 8, lines 16-19 which teaches that the auxiliary power source 120 allows operation of the automatic scheduler (and therefore ROM 153) even when the power from main power supply 115 is turned off.

So, neither Ota nor Vossler discloses the recited means for automatically and periodically updating the start time to be greater than the current time.

Therefore, no possible combination of Ota and Vossler could ever possibly produce the device of claim 1.

Also among other things, the aforementioned recited means automatically and periodically updates the start time to be greater than the current time.

As Applicant has explained repeatedly throughout the prosecution of this application, ROM 153 does not do this. The user manually enters desired activation times once, and these activation times are then stored in RAM 154. They are never automatically or periodically updated . . . they are only updated whenever a user manually changes them.

In the Advisory Action of 20 July 2006, the Examiner states – without any citation or other evidentiary support – that:

*"In order for a repeating event to occur the scheduled start time will need to be updated such that the event will occur at a desired*

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*repeating start time such as 8AM everyday. If the start time is not periodically and automatically updated the desired phone functions will not activate/deactivate at a desired repeating start time which is antithetical to the purpose of the automatic scheduling program of the Vossler reference."*

This is incorrect.

It requires nothing more than the fundamental experience of having used a basic alarm clock to understand the fallacy of Examiner's suppositional argument. When one uses an alarm clock and sets a time (e.g., 8 AM) for the alarm to go off every morning, the alarm clock does not ever "automatically and periodically update the start time to be greater than the current time." The start time – 8 AM – is stored in memory (just like RAM 154 of Vossler) and is only updated manually by a user. Indeed, the alarm clock does not ever need to automatically and periodically update anything other than the current time.

This is exactly how Vossler's device operates, of course. In Vossler's device, a user may enter a plurality of "activation" (start) times which are all stored in RAM 154. They are never automatically or periodically updated . . . they are only updated whenever a user manually changes them.

So, again, neither Ota nor Vossler discloses the recited means for automatically and periodically updating the start time to be greater than the current time.

Therefore, no possible combination of Ota and Vossler could ever possibly produce the device of claim 1.

Accordingly, for at least these reasons, Applicant submits that claim 1 is very clearly patentable over any possible combination of Ota and Vossler.

Claims 2-3, 5 and 9-12

Claims 2-3, 5 and 9-12 depend from claim 1 and are deemed patentable for at least the reasons set forth above with respect to claim 1.

With respect to claim 2, Applicant notes that the Examiner never identifies any

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element in either Oda or in Vossler as even supposedly corresponding to the recited processing unit. To the extent that the Examiner is arguing that CPU 5 in Ota corresponds to the recited processing unit of claim 2, Applicant notes that CPU 5 in Ota does not comprise any automatic updating means for updating the start time.

Accordingly, for at least these additional reasons, claim 2 is deemed patentable over the cited art.

Also, with respect to claim 3, Applicant respectfully submits that neither Ota nor Vossler discloses a register for storing start times, updated by the automatic updating means to a time D, so that  $D = t + N$ , where N is a time value higher than or equal to a start interval and where t is the current time. Specifically, Vossler does not disclose such a combination of features in the cited text at col. 5, lines 48-67 and col. 6, lines 1-18.

Accordingly, for at least these additional reasons, claim 3 is deemed patentable over the cited art.

#### Claim 6

Among other things, the method of claim 6 includes making a new start when a current time established by the clock coincides with a previously updated start time, when the main power source is incapable of supplying power to the device.

The Examiner has not cited anything in either Ota or Vossler that even allegedly discloses such a feature.

Instead, the Examiner merely states that Vossler discloses "making a new start when a current time established by the clock coincides with a previously updated start time."

Of course, that is not what is recited in claim 6. The Examiner completely ignores the plain language of claim 6 that the method of claim 6 includes making a new start when a current time established by the clock coincides with a previously updated start time **when the main power source is incapable of supplying power to the device**.

Meanwhile neither the cited text at col. 5, lines 48-67 and col. 6, lines 1-18, nor anything else in Vossler, discloses a step of making a new start when the main

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power source is incapable of supplying power to the device.

Therefore, no possible combination of Ota and Vossler could ever possibly produce the method of claim 6.

Also among other things, the method of claim 6 includes updating a start time to come after a current time when the communication device is in operation by an updating means, wherein an auxiliary power source does not supply power to the updating means when the main power source is incapable of supplying the power.

As explained above with respect to claim 1, neither Ota, nor Vossler, nor any combination therefore discloses an updating means, wherein an auxiliary power source does not supply power to the updating means when the main power source is incapable of supplying the power. In particular, to the extent that ROM 153 of Vossler corresponds to the recited updating means, Vossler does not disclose that auxiliary power source 120 does not supply power to the ROM 153 when the main power source 115 is incapable of supplying the power. Indeed, Vossler appears to teach to the contrary (see col. 8, lines 16-19).

Therefore, again, no possible combination of Ota and Vossler could ever possibly produce the method of claim 6.

Accordingly, for at least these reasons, Applicant submits that claim 6 is very clearly patentable over any possible combination of Ota and Vossler.

#### Claims 7-8 and 13-14

Claims 7-8 and 13-14 depend from claim 1 and are deemed patentable for at least the reasons set forth above with respect to claim 1.

### (2) Claims 15-16 Are All Patentable Over Oda, Vossler & Sheynblat

#### Claim 15

Among other things, in the method of claim 15, a main power source supplies power to both a first part and a second part of a processing section for the device and, when the device is stopped by accident, the first part is not supplied power and the second part is supplied power from an auxiliary power source.

No combination of Ota, Vossler and Sheynblat could produce a method including such a combination of features.

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At the outset, the Examiner fails to even mention the feature of claim 15 that when the device is stopped by accident, the first part of the processing section is *not* supplied power! It is not possible for any combination of the references to produce the method of claim 15 unless such a feature is included.

Therefore, the Examiner has failed to make out a *prima facie* case under 35 U.S.C. § 103, and the rejection must be reversed.

Also among other things, the method of claim 15 includes a feature wherein, when the device is stopped by accident, a new start is automatically made when a current time established by a clock coincides with the previously updated start time.

No combination of Ota, Vossler and Sheynblat could produce a method including such a feature.

Again, the Examiner fails to even mention the feature of claim 15 that when the device is stopped by accident, a new start is automatically made when a current time established by a clock coincides with the previously updated start time! It is not possible for any combination of the references to produce the method of claim 15 unless such a feature is included. The Examiner merely states that Vossler discloses a new start is automatically made when a current time established by a clock coincides with the previously updated start time. But of course that is not what is being claimed in claim 16.

Therefore, again, the Examiner has failed to make out a *prima facie* case under 35 U.S.C. § 103, and the rejection must be reversed.

Finally, among other things, the method of claim 15 includes a feature wherein an automatic programmable start time is regularly updated to come after a current time.

No combination of Ota, Vossler and Sheynblat could produce a method including such a feature.

Here at least the Examiner alleges that Vossler discloses such a feature. The Examiner states that Vossler disclose such a feature in FIG. 1, at col. 4, lines 3-11, at col. 5, lines 48-67, and at col. 6, lines 1-18.

This is incorrect.

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Certainly no such feature is – or could be – shown in the block diagram of FIG. 1. Neither is this feature disclosed in any of the cited text of Vossler, which would be apparent to the Board upon inspection of the cited text.

As explained above with respect to claim 1, in Vossler's device, the user manually enters desired activation times once, and these activation times are then stored in RAM 154. They are not regularly updated to come after a current time . . . they are only updated whenever a user manually changes them.

Accordingly, for at least these reasons, Applicant submits that claim 15 is very clearly patentable over any possible combination of Ota, Vossler, and Sheynblat.

#### Claim 16

Claim 16 depends from claim 15 and is deemed patentable for at least the reasons set forth above with respect to claim 15.

### **(3) Claims 17-18 Are All Patentable Over Oda, Vossler, Sheynblat & Northcutt**

#### Claims 17 and 18

Claims 17 and 18 depend from claim 15. Northcutt does not remedy the shortcomings of Ota, Vossler, and Sheynblat as explained above with respect to claim 15.

Therefore, claims 17 and 18 are deemed patentable over any combination of Ota, Vossler, Sheynblat, and Northcutt for at least the reasons set forth above with respect to claim 15.

### **(4) Claim 4 is Patentable Over Oda, Vossler & Metroka**

#### Claim 4

Claim 4 depends from claim 1. Metroka does not remedy the shortcomings of Ota and Vossler as explained above with respect to claim 1.

Therefore, claim 4 is deemed patentable over any combination of Ota, Vossler, and Metroka for at least the reasons set forth above with respect to claim 1.

**(5) Claim 19 is Patentable Over Oda, Vossler, Sheynblat & Metroka****Claim 19**

Claim 19 depends from claim 15. Metroka does not remedy the shortcomings of Ota, Vossler, and Sheynblat as explained above with respect to claim 15.

Therefore, claim 19 is deemed patentable over any combination of Ota, Vossler, Sheynblat, and Metroka for at least the reasons set forth above with respect to claim 15.

**(6) Claim 20 is Patentable Over Oda, Vossler, Sheynblat, Metroka & Yeh****Claim 20**

Claim 20 depends from claim 19, and thus from claim 15. Yeh does not remedy the shortcomings of Ota, Vossler, Sheynblat, and Metroka as explained above with respect to claim 19 (i.e., the shortcomings of Ota, Vossler, and Sheynblat as explained above with respect to claim 15).

Therefore, claim 20 is deemed patentable over any combination of Ota, Vossler, Sheynblat, Metroka, and Yeh for at least the reasons set forth above with respect to claims 15 and 19.

**(7) Claims 21-22 Are All Patentable Over Oda, Vossler & Northcutt****Claim 21**

Among other things, the device of claim 21 includes: (1) a memory for storing an augmented time which is greater than a current time and is updated periodically using (2) a first clock; (3) an auxiliary power source for supplying power to a second clock for providing the current time when the main power source is incapable of providing power; and (4) a controller powered by the auxiliary power source, the controller being configured to set a start time when the main power source is incapable of providing the power, wherein the auxiliary power source does not supply power to the first clock when the main power source is incapable of supplying the power.

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More specifically, in the device of claim 21, the controller is powered by the auxiliary power source while the auxiliary power source does not supply power to the first clock.

No combination of Ota, Vossler, and Northcutt could produce a device including such combination of features.

The Examiner states that Vossler discloses these features.

That is incorrect.

More specifically, the Examiner states that Vossler discloses the real time clock 155, and this corresponds to the recited controller. Tellingly, the Examiner fails to cite any element in Vossler as even supposedly corresponding to the first clock. of course the only clock disclosed by Vossler is the self-same real time clock 155. However, of course, real-time clock 155 cannot be both the recited controller and the recited first clock, because claim 21 recites that the controller is powered by the auxiliary power source, while the auxiliary power source does not supply power to the first clock!

Clearly, Vossler does not disclose such a combination of features. Indeed, nothing in Vossler discloses that the auxiliary power source does supply power to one or more components of controller 150 when the main power source is incapable of supplying the power, but does not supply power to *other* components of controller 150 when the main power source is incapable of supplying the power. No tortured and convoluted effort by the Examiner to make arguments about a case when both power sources are lost can ever remedy that shortcoming. Furthermore, in the case where both power sources are lost, it would also be totally impossible for the auxiliary power source to supply power to the second clock . . . and yet this is also a specifically recited feature of claim 21! So of course it is impossible under any hypothetical scenario for Vossler to provide all of the features of claim 21 mentioned above.

Therefore, again, no possible combination of Ota, Vossler and Northcutt could

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ever possibly produce the device of claim 21.

Also among other things, the device of claim 21 includes a memory for storing an augmented time which is greater than a current time and is updated periodically using a first clock.

The Examiner states that Vossler discloses such a memory, citing col. 4, lines 3-11, at col. 5, lines 48-67, and at col. 6, lines 1-18.

This is incorrect.

This feature is not disclosed in any of the cited text of Vossler, which would be apparent to the Board upon inspection of the cited text.

As explained above with respect to claim 1, in Vossler's device, the user manually enters desired activation times once, and these activation times are then stored in RAM 154. They are not regularly updated to come after a current time . . . they are only updated whenever a user manually changes them.

Accordingly, for at least these reasons, Applicant submits that claim 21 is very clearly patentable over any possible combination of Ota, Vossler, and Northcutt.

#### Claim 22

Claim 22 depends from claim 21 and is deemed patentable for at least the reasons set forth above with respect to claim 21.

#### Conclusion

For all of the foregoing reasons, Applicant submits that claims 1-22 are all patentable over the cited prior art. Therefore, Applicant respectfully requests that claims 1-22 be allowed and the application be passed to issue.

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Respectfully submitted,

VOLENTINE FRANCOS &amp; WHITT, P.L.L.C.

Date: 24 October 2006

By:   
Kenneth D. Springer  
Registration No. 39,843

VOLENTINE FRANCOS & WHITT, P.L.L.C.  
One Freedom Square  
11951 Freedom Drive, Suite 1260  
Reston, Virginia 20190  
Telephone No.: (571) 283-0724  
Facsimile No.: (571) 283-0740

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**CLAIMS APPENDIX**

1. (Previously Presented) A communication device equipped with an automatic operation-keeping system, said communication device comprising:

- a main power source
- a processing unit supplied with power by the main power source, and
- means for starting the device at a programmable start time including:
  - a clock to produce a current time, said clock being supplied with power from an auxiliary power source when said main power source is incapable of supplying power, and
  - means for automatically and periodically updating the start time to be greater than said current time, wherein said auxiliary power source does not supply power to said updating means when said main power source is incapable of supplying said power.

2. (Previously Presented) A communication device as claimed in Claim 1, in which the processing unit comprises the automatic updating means for updating the start time.

3. (Previously Presented) A communication device as claimed in Claim 1, comprising a register for storing start times, updated by the automatic updating means to a time  $D$ , so that  $D = t + N$ , where  $N$  is a time value higher than or equal to a start interval and where  $t$  is the current time.

4. (Original) A communication device as claimed in Claim 1, in which the auxiliary power source comprises an electric capacitance.

5. (Previously Presented) A device as claimed in Claim 1, characterized in that the device is a portable telephone.

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6. (Previously Presented) A method of keeping a device in operation after a main power source is incapable of supplying power to said device, the method comprising the acts of:

updating a start time to come after a current time when the communication device is in operation by an updating means,

providing power to a clock by an auxiliary power source when main power source is incapable of supplying said power, wherein said auxiliary power source does not supply power to said updating means when said main power source is incapable of supplying said power, and

when the main power source is incapable of supplying said power, making a new start when a current time established by said clock coincides with a previously updated start time.

7. (Previously Presented) A method as claimed in Claim 6, in which start time is updated by adding a time increment to the current time.

8. (Previously Presented) A method as claimed in Claim 7, in which the start time is updated with a shorter interval than a value of the time increment.

9. (Previously Presented) A device as claimed in Claim 1, characterized in that the start time is measured from the current time as an instantaneous value in seconds.

10. (Previously Presented) A device as claimed in Claim 9 wherein the number of seconds in the instantaneous value is measured as a number of pulses of the clock.

11. (Previously Presented) A device as claimed in Claim 1, characterized in that the processing unit comprises a first part that is supplied with power by the main power source and a second part that can be supplied with power either by the main power or the auxiliary power source if the main power source fails.

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12. (Previously Presented) A device claimed in Claim 11, characterized in that the second part further comprises at least one register for retaining the current time and the start time.

13. (Previously Presented) A method as claimed in Claim 6, characterized in that the start time is measured from the current time in as an instantaneous value measured in seconds.

14. (Previously Presented) A method as claimed in Claim 13, wherein the number of seconds in the instantaneous value is measured as a number of pulses of the clock.

15. (Previously Presented) A method of keeping a device in operation after it has been stopped accidentally wherein, when the device is in operation, an automatic programmable start time is regularly updated to come after a current time and wherein, when the device is stopped by accident, a new start is automatically made when a current time established by a clock coincides with the previously updated start time and wherein, when the device is in operation, a main power source supplies power to both a first part and a second part of a processing section for the device and, when the device is stopped by accident, the first part is not supplied power and the second part is supplied power from an auxiliary power source.

16. (Previously Presented) A method as claimed in Claim 15, characterized in that second part contains at least one register that retains the current time and start time.

17. (Previously Presented) A method as claimed in Claim 15, characterized in that there at least a first clocking device operatively connected to the first part and a second clocking device operatively connected to the second part, where the second

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clocking device is powered by the auxiliary power source.

18. (Previously Presented) A method as claimed in Claim 17, characterized in that the second clocking is a low frequency clocking device.

19. (Previously Presented) A method as claimed in Claim 15, characterized in the auxiliary power source is a capacitance.

20. (Previously Presented) A method as claimed in Claim 19, characterized in the capacitance forming the auxiliary power source is a sum of filter capacitors.

21. (Previously Presented) A device comprising:  
a main power source for supplying power;  
a memory for storing an augmented time which is greater than a current time and is updated periodically using a first clock;  
an auxiliary power source for supplying power to a second clock for providing said current time when said main power source is incapable of providing power; and  
a controller powered by said auxiliary power source, said controller being configured to set a start time when said main power source is incapable of providing said power,

wherein said auxiliary power source does not supply power to said first clock when said main power source is incapable of supplying said power.

22. (Previously Presented) The device of claim 21, wherein said controller is configured to set the start time when said current time provided by said clock equals said augmented time stored in said memory.

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**EVIDENCE APPENDIX**

{None}

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**RELATED PROCEEDINGS APPENDIX**

{None}

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